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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,469	09/19/2003	Katell Decamp	43869.046100	8868
32361 7590 05/14/2009 GREENBERG TRAURIG, LLP MET LIFE BUILDING 200 PARK AVENUE NEW YORK, NY 10166				
EXAMINER RODRIGUEZ, RUTH C				
ART UNIT 3677		PAPER NUMBER		
NOTIFICATION DATE 05/14/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

SchindlerB@gtlaw.com

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Office Action Summary

Application No.

10/666,469

Applicant(s)

DECAMP, KATELL

Examiner

RUTH C. RODRIGUEZ

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 December 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8-12 and 14-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Black et al. (US 4,435,031).

An assembly comprises a rack (60) and an inertial unit (66). The rack has a plurality of pegs (62). Each of the pegs has an anterior portion (74) and a posterior portion (82 and behind 82). The inertial unit has a plurality of sleeves (Fig. 5) The pegs and the rack form one integral peg/rack piece with the posterior portion of each of the pegs fixed to the rack (Figs. 7). An amount of pegs and an amount of sleeves are equal (Figs. 1-7). The anterior portion of each of the pegs is configured to be introduced with clearance into each respective one of the sleeves and each of the pegs comprises a posterior fixing part that is configured to compensate for the clearance (Figs. 1-7). The pegs and the sleeves are substantially axially aligned when after the inertial unit is push-fitted onto the peg/rack piece (Figs. 1-7).

Each of the peg has a lateral flat (Fig. 8).

The posterior fixing part of each of the peg comprises a cylindrical part (72).

The posterior fixing part of each of the peg comprises a part that does not compensate for the clearance (Fig. 8).

The part that does not compensate for the clearance is frustoconical and situated behind the cylindrical part (Fig. 8).

An assembly comprises an inertial unit (60) and a rack (66). The inertial unit has a plurality of pegs (62). Each of the pegs having an anterior portion (74) and a posterior portion (82 and behind 82). The rack has a plurality of sleeves (Fig. 5). The pegs and the inertial unit form one integral peg/inertial unit piece with the posterior portion of each of the peg fixed to the inertial unit (Fig. 7). Amount of pegs and an amount of sleeves are equal (Figs. 1-7). The anterior portion of each of the pegs is configured to be introduced with clearance into each respective one of the sleeves and each of the pegs comprises a posterior fixing part that is configured to compensate for the clearance (Figs. 1-7). The pegs and the sleeves are substantially axially after the peg/inertial unit piece is push-fitted onto the rack (Figs. 1-7).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 13 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Black in view of King, Jr. (SU 3,962,775).

Black fails to disclose that each of the pegs is coated with a graphite deposit. However, King teaches the use of graphite on an expansion, in a sleeve, such as graphite, as a lubricant (column 12, lines 4-15). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the pegs disclosed by Black with a graphite deposit as taught by King to lubricate the peg thereby allowing easier insertion into the sleeve.

Response to Arguments

5. Applicant's arguments with respect to claims 9-19 have been considered but are moot in view of the new ground(s) of rejection.

6. The Applicant amended claims 8 and 14 to recite that "a rack" is "a support rack" and "an inertial unit" is "an aircraft inertial unit" and argues that Black fails to disclose the claimed invention since he fails to disclose the newly claimed element (a support rack and an aircraft inertial unit). This argument fails to persuade because the terms "support" from "a support rack" and "aircraft" and "inertial" from "an aircraft inertial unit" are being considered labels. Where there is physical identity between the subject matter of the claims and the prior art, the label given to the claimed subject matter does not distinguish the invention over the prior art. In re Pearson, 494 F.2d 1399, 1403, 181 USPQ 641, 644 (CCPA 1974); In re Lemin, 326 F.2d 437, 140 USPQ 273 (CCPA

1964). In this case, the claims are directed to an assembly and not to the combination of a support rack and an aircraft inertial unit. Additionally, the claims do not contain any additional limitations that will further define the support rack or the aircraft inertial unit. Therefore, the elements identified above as the rack and the unit in the current rejection of the claims meet the current claim limitations until additional limitations are added to the claims to distinguish the rack and unit from the rack and unit disclosed by Black or the claims are amended to directed them to the combination of a support rack and an aircraft inertial unit with enough details to overcome the art of record.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RUTH C. RODRIGUEZ whose telephone number is (571) 272-7070. The examiner can normally be reached on M-F 07:15 - 15:45.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Victor D. Batson can be reached on (571) 272-6987.

Submissions of your responses by facsimile transmission are encouraged. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Recognizing the fact that reducing cycle time in the processing and examination of patent applications will effectively increase the patent's term, it is to your benefit to submit responses by facsimile transmission whenever permissible. Such submission will place the response directly in our examining group's hands and will eliminate Post Office processing and delivery time as well as PTO's mailroom processing and delivery time. For a complete list of correspondence **not** permitted by facsimile transmission, see MPEP § 502.01. In general, most responses and/or amendments not requiring a fee, as well as those requiring a fee but charging such fee to a deposit account, can be submitted by facsimile transmission. Responses requiring a fee that the applicant is paying by check **should not be** submitted by facsimile transmission separately from the check.

Responses submitted by facsimile transmission should include a Certificate of Transmission (MPEP § 512). The following is an example of the format the certification might take:

I hereby certify that this correspondence is being facsimile transmitted to

the Patent and Trademark Office (Fax No. (571) 273-8300) on ____ (Date) .

(Typed or printed name of person signing this certificate)

(Signature)

If your response is submitted by facsimile transmission, you are hereby reminded that the original should be retained as evidence of authenticity (37 CFR 1.4 and MPEP § 502.02). Please do not separately mail the original or another copy unless required by the Patent and Trademark Office. Submission of the original response or a follow-up copy of the response has been transmitted by facsimile will cause further unnecessary delays in the processing of your application, duplicate responses where fees are charged to a deposit account may result in those fees being charged twice.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-6640.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Application/Control Number: 10/666,469
Art Unit: 3677

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/RCR/
Ruth C. Rodriguez
Patent Examiner
Art Unit 3677

rcr
May 12, 2009

/Robert J. Sandy/
Primary Examiner, Art Unit 3677